FARAD CONTINUATION SHEET NO.:

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

WRIT PETITION NO.10274 OF 2004
(Union of India through GM, Central Rlys Vs. K.B.Yadav)

Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr Komal Singh i/b T.J.Pandian for the petitioner.
Mr Rahul G.Walia, for the respondent.

CORAM: V.G.PALSHIKAR &
D.B.BHOSALE, JJ.

DATED: 22nd August, 2005.

P.C.:

Heard learned counsel for the parties.

By this petition, the petitioner-Union of India has challenged the order passed by the Central Administrative Tribunal setting aside the order passed by the Revisional Authority enhancing the punishment inflicted on the delinquent-respondent in the revision application filed by the delinquent for reduction or removal of the punishment inflicted.

Recourse is taken by the authority to rule 25 of the Railway Servants (Discipline & Appeal) Rules, 1958 while issuing

enhancement notice to the petitioner. The Railway Board itself has issued a clarification on 30.10.1996 in relation to the power to be exercised under rule 25 of the Rules and the clarification clearly states that rule 25 clause (v) is applicable only in cases of suo moto revision by the revisional authority and not to the cases where the revision petition is submitted by a railway servant. In the instant case, it was sought to be done in a revision filed by the railway servant. Therefore, the Tribunal was right in setting aside that order. We see no merit in the petition. The writ petition is dismissed.

(D.B.BHOSALE,J.) (V.G.PALSHIKAR,J.)